

EXHIBIT 5

1938	1940
<p>1 Monadnock v. Glasswall - Volume VII 2 ongoing anyway. 3 Q Understood. 4 What work would the tarps have 5 allowed Monadnock to perform on the lower 6 floors when the windows hadn't yet arrived? 7 A When the windows hadn't yet 8 arrived. Other trades could have continued 9 to work through the -- through that 10 wintertime frame perhaps at other levels. 11 I know that the work was ramped 12 down, but there was a lot based -- upon a 13 review of the payment applications, there 14 was a lot of other core work to be done. 15 So the ramping down was -- 16 CHAIRMAN ROSSI: But the 17 question, I think, is really this, is 18 that: 19 We know without the windows 20 there was a lot of interior work going 21 on. 22 THE WITNESS: Right. 23 CHAIRMAN ROSSI: And that work, 24 we can presume, wasn't weather 25 sensitive, right?</p>	<p>1 Monadnock v. Glasswall - Volume VII 2 but with tarps? 3 THE WITNESS: That is weather 4 sensitive? None. 5 CHAIRMAN ROSSI: None. 6 MR. WEINTRAUB: Thank you, 7 Mr. Rossi. No further questions. 8 MR. CINQUE: I just have one. 9 CHAIRMAN ROSSI: Yes, go ahead. 10 FURTHER REDIRECT EXAMINATION 11 BY MR. CINQUE: 12 Q If weatherproofing or tarps 13 were put up around the building, would that 14 have stopped, for example, rust in the 15 elevator shaft? 16 A It would have aided in that 17 process; but, as I indicated earlier, I am 18 still not quite sure why those shafts had 19 water entering into them anyway if the 20 temporary roofing was topped out and 21 protected properly. 22 But, yes, it would have also 23 added in that regard. 24 MR. CINQUE: Nothing further. 25 (There was a discussion off the</p>
<p>1 Monadnock v. Glasswall - Volume VII 2 THE WITNESS: Correct. 3 CHAIRMAN ROSSI: Okay. So I 4 think what the question is: 5 You mentioned tarps or some 6 sort of protection. Is there other 7 work that could have been done that 8 was weather sensitive, if what you 9 claim is tarps were put up by the -- 10 by the contractor? 11 That's yes or no. 12 Could there be other work? 13 THE WITNESS: Possibly, but I 14 didn't indicate that they should put 15 the tarps up. But it's not uncommon 16 to see weather-protection tarps put 17 up. 18 CHAIRMAN ROSSI: All right. 19 So, again, I think the next question 20 is: 21 Specifically, what other work 22 could they -- have been done at this 23 location, as counsel just said, on the 24 East River, that is weather sensitive, 25 that could be done without windows,</p>	<p>1 Monadnock v. Glasswall - Volume VII 2 record.) 3 FURTHER RE-CROSS EXAMINATION 4 BY MR. WEINTRAUB: 5 Q Mr. Hanifin, would the tarps 6 have prevented condensation from forming on 7 the metal in those shafts on a high-rise 8 building in New York City exposed to the 9 elements in the -- in the winter right on 10 the East River? 11 A No. 12 MR. WEINTRAUB: No further 13 questions. 14 CHAIRMAN ROSSI: Do you have 15 anything -- do you have anything? 16 Nothing else. 17 Okay. Very nice to meet you 18 Mr. Hanifin. Take care. You are off 19 the hot seat. 20 (Mr. Hanifin was excused from 21 the arbitration.) 22 CHAIRMAN ROSSI: I guess we 23 will take a lunch break now and come 24 back in an hour. And so we are going 25 to go with Mr. Anderson, right.</p>

	1982		1984
<p>1 Monadnock v. Glasswall - Volume VII 2 window in it. And this one is going 3 to have a louver. And this one is 4 going to be operable. And this one is 5 not going to be operable."</p> <p>6 MS. FODOR: So then I misspoke. 7 Then it's not design build 8 because the architect is the one that 9 is specifying a lot of the detail. 10 And the only thing that Glasswall 11 would be doing is completing the 12 detail, like, you know, magnifying the 13 drawing and putting in all the detail 14 in order to come up with the 15 engineering.</p> <p>16 There was -- there was 17 testimony earlier where -- that 18 Glasswall had difficulty with the 19 engineering components of the job, and 20 the schedule fell behind because of 21 that lack of engineering capability or 22 manpower to do this.</p> <p>23 Can you just clarify that for 24 me a little bit because I am -- I need 25 to understand it better.</p>		<p>1 Monadnock v. Glasswall - Volume VII 2 curtain wall system that would 3 accomplish what the architect was 4 looking for on the side of the 5 building, including meet all the 6 performance and aesthetic requirements 7 that the architect would have.</p> <p>8 So when I say we are 9 design-build. We are design-built 10 from the standpoint that the 11 responsibility for the curtain wall 12 system design is ours.</p> <p>13 How we accomplish it in terms 14 of the depth of the mullion or a 15 framing member is something that we 16 can pass through to the architect and 17 he can review and say:</p> <p>18 "I think it's a little too 19 wide. I don't like the way it looks."</p> <p>20 MS. FODOR: Okay.</p> <p>21 THE WITNESS: But we were given 22 certain dimensions to follow.</p> <p>23 What the internal component of 24 that is up is to us. We can design 25 that internally.</p>	
	1983		1985
<p>1 Monadnock v. Glasswall - Volume VII 2 THE WITNESS: Okay. I will try 3 to clarify it.</p> <p>4 MS. FODOR: Okay.</p> <p>5 THE WITNESS: I am not -- I 6 don't want to over-complicate it, but 7 it's a fairly complicated scenario.</p> <p>8 MS. FODOR: Right.</p> <p>9 THE WITNESS: From a 10 design-build standpoint, the architect 11 drew on the architectural drawings 12 presented through those drawings what 13 he wanted to see on the building.</p> <p>14 MS. FODOR: When they looked at 15 it.</p> <p>16 THE WITNESS: All the different 17 colors --</p> <p>18 MS. FODOR: Right.</p> <p>19 THE WITNESS: -- the glass -- 20 there were, you know, specifications 21 for the glass, the brick patterns, 22 what they had to be, and so forth.</p> <p>23 When Glasswall -- when 24 Glasswall took the project, they 25 assumed responsibility to design a</p>		<p>1 Monadnock v. Glasswall - Volume VII 2 MS. FODOR: So most curtain 3 walls are design-build. And this is 4 not unique.</p> <p>5 THE WITNESS: I would -- I 6 would say most custom curtain walls, 7 which, for me in my experience, is 8 completely design-built.</p> <p>9 MS. FODOR: Completely 10 design-build.</p> <p>11 THE WITNESS: Yes. 12 (There was a discussion off the 13 record.)</p> <p>14 MS. FODOR: So then if 15 something goes wrong with the curtain 16 wall from not an aesthetic design, but 17 the design engineering --</p> <p>18 THE WITNESS: Structural.</p> <p>19 MS. FODOR: -- structural 20 problem, that's the curtain wall 21 manufacturer's responsibility.</p> <p>22 THE WITNESS: And in this case 23 the installers.</p> <p>24 MS. FODOR: And in this case 25 the installers or the --</p>	

<p style="text-align: center;">1986</p> <p>1 Monadnock v. Glasswall - Volume VII 2 THE WITNESS: It could be the 3 installer because the installer -- 4 MS. FODOR: Not Ecker. 5 THE WITNESS: That would be 6 Ecker on this particular project. And 7 I am only using this project as the 8 example for what we are talking about. 9 MS. FODOR: Okay. But the 10 installer gets the completed 11 engineered products, and then Ecker 12 puts it in. 13 THE WITNESS: They install 14 those components. 15 MS. FODOR: They install it. 16 THE WITNESS: Um-hum. 17 MS. FODOR: But the components 18 are cut to fit. 19 THE WITNESS: That's correct. 20 They have the responsibility to 21 install it correctly, which is a part 22 of the entire -- 23 MS. FODOR: Yeah, okay, I got 24 you. 25 So they are the responsible for</p>	<p style="text-align: center;">1988</p> <p>1 Monadnock v. Glasswall - Volume VII 2 this building. 3 You talked about different 4 types of windows, and some casements 5 where louvers were. And I am not 6 going to hold you to the exact number. 7 But are we taking, there were 8 20 different types? I heard there was 9 9,000 units in total. 10 How many different types, you 11 know, were there? 12 THE WITNESS: I'm sorry, but I 13 don't know the exact number of 14 different types. But I will -- I will 15 venture again what I will just say is 16 an educated guess from having been 17 around it and actually manufactured 18 it. It had to exceed 300 or 400 19 different types. 20 MR. RENDA: Now, I understand, 21 also, when they -- when they start the 22 installation, you are saying you start 23 from one corner and you go around the 24 building. 25 300 or 400 types of different</p>
<p style="text-align: center;">1987</p> <p>1 Monadnock v. Glasswall - Volume VII 2 the installation. But if the curtain 3 wall fails because of some engineering 4 that's done on Glasswall's 5 manufacturing facility, that's 6 Glasswall's responsibility, not the 7 architect's and not Ecker's? 8 I just want to -- 9 THE WITNESS: Yes. 10 MS. FODOR: -- be able to 11 separate it like that. 12 THE WITNESS: If it's something 13 that Glasswall did wrong, yes. 14 MS. FODOR: Okay. 15 THE WITNESS: Yes. 16 MS. FODOR: Okay. 17 CONTINUED EXAMINATION 18 BY MR. CINQUE: 19 Q And, John, are you aware of any 20 problems like that that came up? 21 A No, I am not aware of any. 22 MS. FODOR: No, I just wanted 23 to understand how it works. 24 MR. RENDA: I want to 25 understand something with regard to</p>	<p style="text-align: center;">1989</p> <p>1 Monadnock v. Glasswall - Volume VII 2 units, how does that work in a 3 production line? In other words, you 4 start this corner. You need unit 100; 5 and then next to it is unit 35, and 6 then you go around. 7 In the production line, each 8 one of them is like one unit 9 fabrication. Then you have to -- the 10 line has to move on to the next unit. 11 How does that -- how does that 12 work in the production? I am trying 13 to understand that. 14 THE WITNESS: It's a very good 15 point, and I am glad that I have an 16 opportunity to relate to you exactly 17 how that worked on this particular 18 project. 19 For this project, the releases 20 from engineering were done in blocks 21 of floors, not a single floor at a 22 time. 23 Because of the number of types 24 that were involved, you couldn't 25 produce this job on a one-floor basis</p>

	2006		2008
<p>1 Monadnock v. Glasswall - Volume VII 2 well, it's -- either the glass was 3 missing -- more than likely, the glass 4 was missing rather than it was broken. 5 But it -- on the occasion where 6 a lite of glass was broken, we would 7 remove it and put a plywood in-fill in 8 for safety purposes so that they could 9 install the unit and continue what 10 they needed to do on the site. 11 I communicated with 12 Mr. Colapinto on this numerous times 13 and maybe some other people that 14 worked for him at the job site, about 15 whether or not they needed that 16 particular unit within this delivery 17 or if they could wait because it's a 18 possibility that the replacement lite 19 might arrive and we could do it in the 20 shop and not have to ship it with the 21 in-fill piece. 22 So the decision to ship was a 23 carefully considered one. But it was 24 to allow for the installation to go in 25 sequence.</p>	<p>1 Monadnock v. Glasswall - Volume VII 2 record.) 3 CONTINUED EXAMINATION 4 BY MR. CINQUE: 5 Q And you always agreed to do 6 that, right, to replace the glass? 7 A Yes. 8 Q Were you given the opportunity 9 to do it? 10 A We did provide the replacement 11 glass. 12 Q Now, when you -- when is the 13 first time you had a meeting relating to 14 the Hunters Point project? 15 CHAIRMAN ROSSI: You mean 16 in-house, in-house meeting or meeting 17 with the -- 18 MR. CINQUE: No, meeting with 19 the Monadnock or Related people. 20 A September 18, 2013. 21 Q Where was that meeting? 22 A In New York at the Related 23 offices in AOL Time Warner. 24 Q And who was present to the best 25 of your recollection?</p>		
<p>1 Monadnock v. Glasswall - Volume VII 2 CHAIRMAN ROSSI: And then you 3 could put the glass in later on. I 4 mean, it's not ideal, but it can be 5 done. 6 THE WITNESS: That's correct. 7 Yes. 8 CHAIRMAN ROSSI: Okay. 9 CONTINUED EXAMINATION 10 BY MR. CINQUE: 11 Q So only 39 of the 9,300 windows 12 had that missing glass? 13 A 39. 14 CHAIRMAN ROSSI: And you would 15 agree that -- I would assume -- that 16 the cost to replace that glass or 17 install it would be Glasswall's 18 problem, right? 19 THE WITNESS: Yes. 20 CHAIRMAN ROSSI: Yeah. 21 THE WITNESS: We never -- we 22 never had any discussion that the 23 replacement of that glass was 24 Glasswall's responsibility. 25 (There was a discussion off the</p>	<p>1 Monadnock v. Glasswall - Volume VII 2 A There was more than 20 people 3 in the meeting, so I won't recall everyone 4 that was there. 5 But the primary people were Ugo 6 Colombo from Glasswall -- 7 (There was a discussion off the 8 record.) 9 A Ugo Colombo, Art Murphy, Bruce 10 Beal with Related. I believe Michael 11 Trovini was in that meeting. Michael 12 Lochran, with a "c," Lochran. 13 Q He's Related person? 14 A He's a Related person. 15 Mike -- I believe Mike Budd of 16 Related. He's sort of their curtain wall 17 guy. 18 Greg Bauso. I would say 19 Mr. Colapinto; but to be honest with you, I 20 am not positive. It was my first 21 interaction with the group on this project. 22 But there were many other 23 people. Probably, Frank Monterisi was in 24 that meeting from Related. 25 Q What was discussed?</p>	2009	

	2010		2012
1	Monadnock v. Glasswall - Volume VII	1	Monadnock v. Glasswall - Volume VII
2	A In that meeting, I was more of	2	little bit to do with why Mr. Beal
3	a listener. And what was discussed, it was	3	said, "We are going to think about it this
4	primarily Related and Monadnock indicating	4	week."
5	that -- and they had no idea what Glasswall	5	Then we returned one week
6	was doing, in their words, and very little	6	later, which is the meeting that we're
7	faith that Glasswall could get the project	7	talking about -- basically, the same group.
8	done.	8	We came in with a production
9	And there were many things that	9	plan roughed out in terms of what we
10	went back and forth about not meeting the	10	thought we could produce and projected the
11	schedules and the commitments that had been	11	number of units and the number of lines
12	made. And, again, I was a listener because	12	that we could produce. And that was the
13	this was really, virtually my first day at	13	point of discussion throughout the meeting.
14	Glasswall.	14	And, again, there was still,
15	So I was sort of hearing some	15	you know, some reservation on Monadnock and
16	things that, you know, were surprising, but	16	Related's part about whether or not we
17	not so surprising because I knew it was a	17	should continue. But it was sort of a:
18	dire situation at Hunters Point.	18	"Wait and see. Well, let's see
19	The thrust of the meeting in	19	what you are going to do over the next, you
20	the end was that Mr. Beal, I believe,	20	know, two weeks. And then we will, you
21	stated that they were going to think about	21	know, regroup again or come down and meet."
22	they -- whether they wanted to continue	22	So when I left that meeting, I
23	with Glasswall.	23	had a -- I'm not going to say a good
24	And that was the end. I mean,	24	feeling because I never left Related's
25	that's what I took away from the meeting,	25	office with a good feeling to be honest
	2011		2013
1	Monadnock v. Glasswall - Volume VII	1	Monadnock v. Glasswall - Volume VII
2	was that they were going to think about	2	with you.
3	whether they wanted to continue with	3	But I left with a feeling that
4	Glasswall.	4	there was a good chance that Glasswall was
5	Q Did you hear back from them?	5	going to be the producer of the curtain
6	A We did nominally a few days	6	wall for this job.
7	later. Another meeting was scheduled in	7	Q Now, directing your attention
8	New York for -- and I believe it was the	8	to Exhibit C in my book.
9	26th of September, approximately a week	9	(Previously Marked Exhibit No.
10	later.	10	C, Document is introduced into the
11	Q Was it the same participants	11	proceedings.)
12	basically?	12	CHAIRMAN ROSSI: At this point,
13	A Pretty much. There might have	13	did you have any windows ready to ship
14	been a couple more participants. But to a	14	at this point?
15	great extent, it was the same group.	15	THE WITNESS: We did not.
16	Q And what was discussed at that	16	CHAIRMAN ROSSI: Okay. And had
17	meeting?	17	-- had -- had Glasswall done any work
18	A In the first meeting -- and I	18	producing anything?
19	will drop back and just say Mr. Murphy	19	THE WITNESS: Yes. When I
20	stated to the group that Mr. Anderson had	20	arrived at Glasswall, there was
21	been brought in to lead Glasswall and to	21	material in fabrication -- and
22	work to rectify the issues on Hunters	22	"fabrication" means the piece parts
23	Point.	23	were being fabricated that make up the
24	So some of the people in the	24	framing of these elements for the
25	room knew who I was, and I think that had a	25	casement windows.

<p style="text-align: right;">2030</p> <p>1 Monadnock v. Glasswall - Volume VII 2 THE WITNESS: Yes, the number 3 was 3 million. 4 CONTINUED EXAMINATION 5 BY MR. CINQUE: 6 Q Was Mr. Beal screaming that he 7 wanted this money? 8 A Yes. He was screaming at our 9 attorney. He was screaming at Mr. Colombo. 10 And Mr. Trovini, who was 11 sitting adjacent to me, was screaming 12 alongside of him as he so eloquently 13 described in his testimony the other day. 14 But he was much more emphatic 15 than in his testimony. But he did describe 16 that portion of it adequately. He did -- 17 he did demand to know when the units would 18 be delivered to the site, on November 6, 19 2013. 20 CHAIRMAN ROSSI: Well at this 21 point were you ready to deliver units 22 to the site? 23 THE WITNESS: We had units 24 packaged. But I will, you know, 25 clarify this because I don't want</p>	<p style="text-align: right;">2032</p> <p>1 Monadnock v. Glasswall - Volume VII 2 sure it's going to be put in front of 3 me at some point in this testimony -- 4 the number of units that were ready on 5 11/6, because it has all been 6 documented. It was documented at that 7 time. 8 But for the sake of argument, 9 let's say there was 600 units. That 10 is 40 on a truck. To offload those 11 trucks would take two to three weeks 12 at the job site. 13 So why wouldn't you begin to 14 take the materials, put them on the 15 floor, distribute them logically to 16 where they need to go, and know that 17 you have got units coming? 18 It might be a morale-builder on 19 a project where people were thinking 20 there was never going to be a curtain 21 wall unit. 22 CHAIRMAN ROSSI: Okay. 23 CONTINUED EXAMINATION 24 BY MR. CINQUE: 25 Q We can go to two pages in.</p>
<p style="text-align: right;">2031</p> <p>1 Monadnock v. Glasswall - Volume VII 2 there to be any confusion. 3 We did not have the units ready 4 to complete an entire floor in 5 sequence. We had portions of floors 6 in packages ready to deliver. 7 CONTINUED EXAMINATION 8 BY MR. CINQUE: 9 Q Did you tell them that at that 10 meeting? 11 A I don't believe that that 12 really came up in the meeting because the 13 thrust of the meeting was not really about 14 what we had produced. It was more about 15 Mr. Beal's demand for the \$3 million. 16 Q Did there come a time when you 17 had enough materials to start delivering so 18 they could install them in the project? 19 CHAIRMAN ROSSI: Before you get 20 there, on 11/6, you said you had 21 parts -- parts of floors. Does that 22 do them any good if you have to do 23 them in sequence? 24 THE WITNESS: It does. And 25 I -- I don't recall offhand. I am</p>	<p style="text-align: right;">2033</p> <p>1 Monadnock v. Glasswall - Volume VII 2 It's a November 14th E-Mail from you to 3 Greg. 4 Do you see it at the bottom? 5 No, it's not -- November 14th -- it's at 6 the bottom of the page. 7 (There was a discussion off the 8 record.) 9 Q On November 14th, you write to 10 Greg Bauso of Monadnock. 11 "This E-Mail will" confirm -- 12 "will serve as confirmation of your verbal 13 instruction to cancel the scheduled 14 shipment of CW units on November 15th from 15 Glasswall to the job site at parcel A." 16 Tell me, what happened on or 17 about November 14th? 18 A Well, the E-Mail speaks for 19 itself. Obviously, we were instructed not 20 to ship shipments after they had been asked 21 for. 22 Q Did Mr. Bauso ever tell you 23 why? 24 A If you read further in the 25 E-Mail -- and I will read it:</p>

Page 2215	Page 2217
<p>1 Monadnock v. Glasswall - Volume VIII 2 A I don't have to look at it. I 3 do recall saying that. 4 Q So who controlled the money 5 with regard to Glasswall after you came in 6 as an equity partner? 7 A Ugo Colombo controlled the 8 money and the company. 9 Q Now, you testified on page 1960 10 that, when you joined in September, 11 Glasswall was working on five projects. 12 Do you recall that, page 1960? 13 CHAIRMAN ROSSI: So I think 14 we're if you ask him a question, "Do 15 you recall testifying." And if he 16 doesn't recall, then you can refer him 17 to the testimony. 18 MR. KLEINHENDLER: All right. 19 Okay. 20 A And the answer is, yes, I do 21 recall it. 22 Q All right. And one was the 23 Monte Carlo in Miami Beach? 24 A Yes. 25 Q Now, one, I think the court</p>	<p>1 Monadnock v. Glasswall - Volume VIII 2 A I do. 3 Q Okay. And how many floors is 4 that building? 5 A To be honest with you, I can't 6 tell you; but it's around, I'd say, 18 7 maybe 20. 8 Q And that project involved 9 either curtain wall or glass wall? 10 A Involved window wall and 11 sliding glass doors. 12 Q And what stage in the 13 Monte Carlo project was Glasswall on in 14 September 2013 when you joined? 15 A Fabrication was about 80 to 16 90 percent complete, and the job was being 17 installed. 18 Q Okay. Now, let's just stick 19 with that job. 20 For the fabrication to be 80 to 21 90 percent complete, how long would 22 Glasswall have had to have been working on 23 this job prior to your arrival in 24 September? 25 A I mean, I could give you my</p>
Page 2216	Page 2218
<p>1 Monadnock v. Glasswall - Volume VIII 2 reporter marked it down as the "Edison"; is 3 that really the Edition in Miami Beach? 4 A Yes, it's the Edition. 5 Q One was the Perry Rooney in 6 Miami Beach? 7 A Yes. 8 Q And one was the Oceana in 9 Key Biscayne; do you recall saying that? 10 A Yes. 11 Q Now, since you were here, we 12 went online, and we pulled some photos 13 which we have provided to the other side. 14 These are just internet photos. I just 15 want to walk you through some of them, so 16 let's put up Exhibit 285, Jocelyn, which 17 is -- 18 (Previously Marked Exhibit No. 19 CX 285, Photograph of Monte Carlo 20 Hotel in Miami Beach, Document is 21 introduced into the proceedings.) 22 Q That's the best picture we 23 have? Is there another page of that. 24 Do you recognize that as the 25 Monte Carlo?</p>	<p>1 Monadnock v. Glasswall - Volume VIII 2 best guess at how long they were working on 3 it, if you would like to have that. 4 Q I don't want your guess. You 5 are -- you're in now as an equity owner. I 6 am just assuming that, before you took the 7 position, you want to know what's going on 8 with the job and how long have they been 9 working on this job. 10 So my question is: 11 How long had they been working 12 on Monte Carlo by the time you got in 13 there? 14 A A year. 15 Q A year. So all of -- like from 16 the end of 2012 to September 2013, they 17 were working on Monte Carlo? 18 A I wasn't there prior to 19 September of 2013. 20 Q Right. But you just said you 21 thought they were working on it for a year. 22 A That's correct. I thought they 23 were working on it for a year. 24 Q So I just -- I am just trying 25 to get the number.</p>

Page 2219	Page 2221
<p>1 Monadnock v. Glasswall - Volume VIII 2 A But you have to understand 3 something. I was not there before 4 September of 2013. So it would be logical 5 to say that they were working on the 6 project for approximately a year before if 7 they were 85 or 95 percent done in 8 September. 9 CHAIRMAN ROSSI: But you don't 10 know for sure? 11 THE WITNESS: That's correct. 12 CHAIRMAN ROSSI: Okay. 13 CONTINUED EXAMINATION 14 BY MR. KLEINHENDLER: 15 Q Okay. And how many people were 16 working on Monte Carlo during that year; do 17 you know? 18 CHAIRMAN ROSSI: You mean 19 before he got there, you want to know? 20 Q How many people? 21 A I do not know that. 22 CHAIRMAN ROSSI: Hold on. 23 Q How many -- 24 CHAIRMAN ROSSI: The rules are 25 as follows, Mr. Anderson.</p>	<p>1 Monadnock v. Glasswall - Volume VIII 2 Q So you're president of a 3 company that you just bought into, and you 4 can't tell our panel how many people are 5 working on one of the projects? 6 A No, I cannot. 7 Q Okay. Did Glasswall make money 8 on the Monte Carlo deal? 9 A I believe the Monte Carlo, we 10 did make some money. 11 Q Now, do you know whether Ugo 12 Colombo has any type of financial interest, 13 not in providing windows for the Monte 14 Carlo, but in the actual Monte Carlo 15 project? 16 A To my knowledge, he did not. 17 Q But you did not -- but you 18 can't say for sure one way or the other; 19 can you? 20 A To my knowledge, he did not. 21 Q I don't know what that means. 22 Does that mean -- 23 CHAIRMAN ROSSI: Well, he -- 24 what that -- what the means is, to the 25 best of his knowledge, he did not</p>
<p>1 Monadnock v. Glasswall - Volume VIII 2 THE WITNESS: Yes. 3 CHAIRMAN ROSSI: He's going to 4 ask you a question. Take a breath. 5 Give an answer. If I interrupt or if 6 there is an objection, you wait until 7 that is concluded before you answer. 8 Okay. 9 THE WITNESS: Yes, sir. 10 MS. FODOR: Take another 11 breath. 12 CHAIRMAN ROSSI: So -- so are 13 you asking him -- 14 MR. KLEINHENDLER: I'm going to 15 ask him a new question, a new 16 question. 17 CHAIRMAN ROSSI: Okay. 18 CONTINUED EXAMINATION 19 BY MR. KLEINHENDLER: 20 Q When you arrived in 2013, how 21 many folks at Glasswall were working on the 22 Monte Carlo? 23 A I do not know the exact number. 24 Q What's your estimate? 25 A I don't know the exact number.</p>	<p>1 Monadnock v. Glasswall - Volume VIII 2 know. He did not. So -- 3 THE WITNESS: I will say this. 4 I'm sorry. 5 CHAIRMAN ROSSI: That's it. 6 CONTINUED EXAMINATION 7 BY MR. KLEINHENDLER: 8 Q Okay. Let's go to the next 9 project that you referred to, which we now 10 clarified is the Edition, not the Edison. 11 It's Exhibit 284. Let's put that up, 12 Jocelyn. 13 (Previously Marked Exhibit No. 14 CX 284, Photograph of the Edition 15 Hotel in Miami Beach, Document is 16 introduced into the proceedings.) 17 CHAIRMAN ROSSI: "Addition" to 18 what? 19 MR. KLEINHENDLER: No, that's 20 the name of the -- no, in the 21 transcript our ace here -- sometimes 22 he makes a mistake -- it was called 23 the "Edison," E-d-i-s-o-n. We have 24 clarified that really the project is 25 the Edition, E-d with an E.</p>

Page 2223	Page 2225
<p>1 Monadnock v. Glasswall - Volume VIII 2 CHAIRMAN ROSSI: All right. 3 MR. KLEINHENDLER: I may be 4 saying that wrong. 5 CHAIRMAN ROSSI: Oh, the 6 Edition. 7 MR. KLEINHENDLER: Yes, 8 E-d-i-t-i-o-n. 9 CHAIRMAN ROSSI: Okay.</p> <p>10 CONTINUED EXAMINATION 11 BY MR. KLEINHENDLER: 12 Q So this was another project 13 that Glasswall was working on when you came 14 in in 2013, correct; is that the Edition? 15 A That's correct. 16 Q And what work was Glasswall 17 doing for the Edition? Did it -- did it 18 involve curtain wall? 19 A There was curtain wall in the 20 round piece that you see right there. 21 Q Okay. 22 A The rest of the job was window 23 wall and sliding glass doors. 24 Q And what was that, a condo 25 project?</p>	<p>1 Monadnock v. Glasswall - Volume VIII 2 project? 3 A Not that I'm aware of. 4 Q Let's look at the next one, the 5 Perry Rooney. Let's look at the Perry 6 Rooney, which is Exhibit 287. 7 (Previously Marked Exhibit No. 8 CX 287, Photograph of Perry Rooney 9 Hotel on Miami Beach, Document is 10 introduced into the proceedings.) 11 Q Is that a fair depiction of the 12 Perry Rooney? 13 A Yes. 14 Q And describe what that is? 15 A It's a hotel slash condo. 16 Q And when you arrived in 2013, 17 what percentage of completion was the Perry 18 Rooney at? 19 A Again, approximately, 75 to 20 80 percent. 21 Q And how long had Glasswall been 22 working on that project? 23 A I believe it's a similar time 24 frame, about a year. 25 Q Did Glasswall make money on the</p>
Page 2224	Page 2226
<p>1 Monadnock v. Glasswall - Volume VIII 2 A Yes, it's a hotel and condo 3 residents. 4 Q Do you know how many rooms? 5 A I do not. 6 Q And what percentage of the 7 Edition -- what percentage of completion 8 was the Edition at when you arrived in 9 September 2013? 10 A From a production standpoint, 11 it was around, similar, 80, 80 percent or 12 so. 13 Q And how long prior to September 14 of 2013 was Glasswall working on the 15 Edition? 16 A Over a year. 17 Q Do you know how many people 18 would have been devoted to that project 19 during that prior year? 20 A I do not. 21 Q Did Glasswall make money on its 22 job for the Edition? 23 A It did not. 24 Q Does Mr. Colombo have an 25 interest in that project, in the Edition</p>	<p>1 Monadnock v. Glasswall - Volume VIII 2 Perry Rooney? 3 A It did not. 4 Q Did Ugo have a financial 5 interest in the Perry Rooney project? 6 A Not that I'm aware of. 7 Q All right. 8 A Let's look at the Oceana, which 9 is Exhibit 286. 10 (Previously Marked Exhibit No. 11 CX 286, Photograph of Oceana Hotel in 12 Key Biscayne, Document is introduced 13 into the proceedings.) 14 Q Let's go to the second page of 15 that exhibit. Is that a fair picture of 16 the Oceana? 17 A Yes, it is. 18 Q It's beautiful; isn't it? 19 A Yes. 20 Q It sure is. 21 Could you describe to the panel 22 what -- what type of construction that is? 23 What is that, a hotel, a condo? 24 A It's a -- it may -- a piece of 25 it may be a hotel. I am not aware for a</p>

<p>Page 2227</p> <p>1 Monadnock v. Glasswall - Volume VIII 2 fact that it is; but it's a condo, 3 residences on Key Biscayne. 4 Q All right. And about what 5 percentage of completion were you done with 6 the Oceana when you arrived at Glasswall? 7 A About 80 percent. 8 Q Same story, you had been 9 working on it for about a year? 10 A For fabrication about 11 80 percent. 12 Q What does that mean? 13 A I'm sorry. 14 Q "For fabrication"? 15 A Yes, each one of these 16 percentages I am giving you are for 17 production, fabrication. They do not 18 relate to installation. 19 Q Okay. How many rooms in the 20 Oceana? 21 A I don't know. 22 Q Okay. And you were working on 23 the Oceana -- how long was Glasswall 24 working on the Oceana when you arrived in 25 September of 2013?</p>	<p>Page 2229</p> <p>1 Monadnock v. Glasswall - Volume VIII 2 CHAIRMAN ROSSI: It's in front 3 of you as well. 4 (There was a discussion off the 5 record.) 6 Q Sorry, I apologize, 769. Let's 7 go down, 769. 8 Okay. 9 "I think you mentioned before 10 that Oceana was owned -- was a project that 11 was owned by Glasswall's owner." 12 ANSWER: "That was my 13 understanding. That's what I was told." 14 QUESTION: "Was that a Ugo 15 Colombo?" 16 "That's my understanding. That 17 is what I was told." 18 So having seen Mr. Barber's 19 testimony, are you ready to state 20 unequivocally that Mr. Ugo Colombo had no 21 financial interest in the Oceana project? 22 A Yes, I believe that I would 23 have known if Ugo Colombo had a financial 24 interest in any of these projects. 25 Q Why?</p>
<p>Page 2228</p> <p>1 Monadnock v. Glasswall - Volume VIII 2 A We didn't finish the job until, 3 from an installation standpoint, until 4 maybe April or May of 2014. 5 Q Did Glasswall make money on the 6 Oceana? 7 A They did not. 8 Q Does Ugo have an interest in 9 the Oceana? 10 A Not that I'm aware of. 11 Q Well, I could tell you that 12 Mr. Barber testified at pages 766 to 67 -- 13 and you can put that up -- that he believed 14 that Ugo -- that the Oceana was indeed a 15 Ugo Colombo project. 16 Do you have any reason to 17 dispute that testimony? 18 A Could you say it again. Did 19 you just say he believed he did or didn't 20 have an interest? 21 Q Yes, we can -- we can put it up 22 if you want. Let's put it up so you can 23 see it. Go to page 766. It's Glasswall -- 24 page 766. 25 A I can't read that.</p>	<p>Page 2230</p> <p>1 Monadnock v. Glasswall - Volume VIII 2 A I believe he would have shared 3 that with me. 4 Q Why? 5 A Because I believe Mr. Colombo 6 would have shared that with me. 7 Q This is a man that you knew for 8 all of two weeks, and you think he just 9 would have shared everything with you? 10 A I think I have known Ugo 11 Colombo since August of 2013, so in -- 12 Q Four weeks, sorry. 13 A But you are asking me the 14 question today, and I am telling you -- 15 Q Yes, I am asking you an 16 open-ended, which nobody is supposed to do. 17 But I am asking you anyway. 18 Why, why do you think Ugo 19 Colombo would have told you that he has a 20 piece of Oceana? 21 A But you just said that: 22 "Why would Ugo Colombo tell you 23 that if he only knew you for two weeks?" 24 And what I am saying is I have 25 known him since September or August of</p>

Page 2295	Page 2297
<p>1 Monadnock v. Glasswall - Volume VIII 2 beginning. 3 A Yes. 4 Q You mentioned, I think, that, 5 when you came in in September of 2013, they 6 were all more or less about 75, 80 percent 7 done, right? 8 A In fabrication. 9 Q Sorry. But that sort of 10 suggested there was still 20 percent of 11 work left on each of those fairly large 12 projects, right? 13 So my question to you is: 14 In the September through -- 15 September through November time frame of 16 2013, how many lines were devoted to a -- 17 of fabrication were devoted to non Hunters 18 Point work? 19 A Maybe one, one and a half. We 20 did have half lines. 21 Q So out of a total of how many 22 lines, there were two -- 23 A We eventually had five; but, 24 early on, in the October, November, going 25 into December, we had three and were moving</p>	<p>1 Monadnock v. Glasswall - Volume VIII 2 But you are no longer with 3 Glasswall; are you? 4 A No, I am not. 5 Q When did your affiliation with 6 Glasswall end? 7 A As an employee? 8 Q Start there. 9 A I am trying to get the date in 10 my head here. February of 2015. 11 Q Does Glasswall exist today as a 12 operating entity? 13 A It is -- it exists as a company 14 today. 15 Q Does it still own the 140,000 16 square foot fabrication? 17 A It does not. 18 Q Does it employ anybody? 19 A To tell you the truth, I don't 20 know that. 21 Q When did -- when all of that 22 stop, having employees and -- 23 A The assets of the company were 24 sold in 2015, beginning of 2015, somewhere 25 in there.</p>
<p style="text-align: center;">Page 2296</p> <p>1 Monadnock v. Glasswall - Volume VIII 2 to four. 3 Q All right. Let's break that 4 down. In September, how many lines did you 5 have going? 6 A Two lines on Hunters Point, one 7 line on other projects. 8 Q And that stayed the same in 9 October? 10 A It pretty much stayed the same. 11 Q What about -- 12 A We moved to the third line for 13 Hunters Point as we moved into the end of 14 October, and into November. 15 Q And how many employees would 16 you say were devoted to the non Hunters 17 Point work during, again, the September, 18 November time frame? 19 A We had nominally over 100 20 employees in the plant. I would say there 21 was probably 12 to 15 devoted to other 22 projects besides Hunters Point. 23 Q Now, I think you mentioned in 24 your testimony that you came in; you got an 25 equity position.</p>	<p style="text-align: center;">Page 2298</p> <p>1 Monadnock v. Glasswall - Volume VIII 2 Q So I just want to take you back 3 to -- you know, your counsel showed you 4 Exhibit B in your book. Jocelyn, you want 5 to put up his Exhibit B for a second? This 6 was the accounts payable to Ecker, if you 7 remember. It's in your counsel's book. If 8 we can blow it up for you, we can see it. 9 (There was a discussion off the 10 record.) 11 Q Do you have -- and I am just 12 looking at the dates here. It doesn't show 13 any payables -- and correct me if I'm 14 wrong -- beyond -- beyond November 2014. 15 Do you see that? 16 I see the last one a couple of 17 lines up. 18 I don't see any payables here 19 to Ecker in 2015; do you? 20 A No. 21 Q Okay. So when your counsel was 22 talking to you about the March 2015 letter 23 with those 30 items, at that point, you 24 weren't paying Ecker anything; were you? 25 A No.</p>